

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

MINUTES

March 17, 2016

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, March 17, 2016 at 1:30 p.m., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: David Dennis, Vice Chair; John Dailey; Bob Dool; Bill Ellison; David Foster; Joe Johnson; John McKay Jr.; Debra Miller Stevens; Lowell Richardson; John Todd and Chuck Warren. Members absent were: Matt Goolsby; Carol Neugent and Bill Ramsey. Staff members present were: Dale Miller, Director; Dave Barber, Advance Plans Manager; Bill Longnecker, Senior Planner; Scott Knebel, Senior Planner; Derrick Slocum, Administrative Supervisor; Jeff Vanzandt, Assistant City Attorney; Justin Waggoner, Assistant County Counselor and Maryann Crockett, Recording Secretary.

1. Approval of the February 4, 2016 Planning Commission Minutes

MOTION: To approve the February 4, 2016 Planning Commission minutes.

WARREN moved, **ELLISON** seconded the motion, and it carried (8-0-3). **JOHNSON, MCKAY** and **MILLER STEVENS** – Abstained

Approval of the February 18, 2016 Planning Commission Minutes

MOTION: To approve the February 18, 2016 Planning Commission minutes.

MCKAY moved, **TODD** seconded the motion, and it carried (8-0-3). **JOHNSON, MILLER STEVENS** and **WARREN** – Abstained.

2. CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS

2-1. SUB2016-00004: One-Step Final Plat – NINNESCAH SUBDIVISION ADDITION,
located on the north side of West 13th Street North, West of North 279th Street West.

NOTE: This is unplatted property is located in the County and designated as “rural area” by the Community Investments Plan 2015-2035. The applicant has proposed a conditional use (CON-2016-00001) for a Major Utility.

STAFF COMMENTS:

A. Since neither sanitary sewer nor municipal water is available to serve this property, the applicant shall contact Metropolitan Area Building and Construction Department to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage and water wells. A memorandum has been obtained specifying approval. The applicant has informed staff that neither on-site sewerage facilities nor water wells will be needed to serve the site.

B. Sedgwick County Public Works has approved the drainage plan. Earthwork disturbing more than one acre also requires a County Stormwater Permit.

- C. Sedgwick County Fire Department advises that the plat will need to comply with the Sedgwick County Service Drive Code.
- D. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- E. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- F. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- G. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- H. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- I. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- J. Perimeter closure computations shall be submitted with the final plat tracing.
- K. Westar Energy Transmission Engineering advises of two easements, a KG&E original easement (150-feet) and the Prairie Wind Transmission which is a double circuit of two 345kV lines (150-feet) and Westar cannot permit anything inside that 300 feet. 345kV lines are the largest voltage in the system and hence can be most dangerous. It is very important that no permanent structures of any kind go anywhere inside that 300 feet.
- L. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- M. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

JOHNSON moved, **RICHARDSON** seconded the motion, and it carried (10-0-1).
FOSTER – Abstained.

2-2. SUB2016-00010: One-Step Final Plat – TALLGRASS EAST COMMERCIAL 2ND ADDITION, located on the north side of East 21st Street North, east of North Webb Road.

NOTE: This is a replat of Tallgrass East Commercial Addition. The property is subject to the Tallgrass East Commercial CUP (DP-168).

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department requests the applicant extend sewer (laterals) and extend water (distribution). All water meters from tap to meter need to be in a utility easement. A utility plan and conceptual site plan is requested.
- B. The platlor's text shall include language that "No signs, light poles, private drainage systems, masonry trash enclosures or other structures shall be located within public utility easements."
- C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) along with the corresponding dollar amounts shall be submitted to the Planning Department for recording.
- D. City Stormwater Management has approved the drainage plan. The platlor's text shall state that no development can be issued a certificate of occupancy until the drainage system identified on the plat has started construction.
- E. Traffic Engineering has requested access controls along 21st Street North.
- F. A block number or letter shall be denoted on the face of the plat.
- G. City Fire Department advises the drive surface of the private drive needs to meet standard regulations for the Fire Department access road.
- H. A cross-lot circulation agreement is requested to assure internal vehicular movement between the lots.
- I. A restrictive covenant shall be submitted regarding Reserve A, platted for private drive purposes, which sets forth ownership and maintenance responsibilities of the private drive.
- J. Provisions shall be made for ownership and maintenance of the proposed reserves. A restrictive covenant shall be submitted regarding ownership and maintenance responsibilities.
- K. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.

- L. The wall easement shall be referenced in the plat's text.
- M. The surveyor's certificate shall reference "Tallgrass East Commercial Addition".
- N. In the title block "An Addition to Wichita, Sedgwick County" needs to be added.
- O. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- P. The perimeters of the proposed lots shall match the perimeters of the CUP boundaries. A CUP adjustment will need to be approved.
- Q. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.
- R. "Lots, a Block, Reserves" shall be referenced in the plat's text.
- S. A bold line is needed along the south line of Reserve A.
- T. The applicant has indicated that he is in the process of having the 20-foot Cooperative Refinery Association pipeline easement released. A recorded copy of the release of the easement shall be submitted.
- U. The applicant shall submit a copy of the Farmland pipeline easement instrument, which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the appropriate governing body.
- V. The applicant's agent shall determine any setback requirements for the pipelines by researching the text of the pipeline agreements. If a setback from the pipeline easements is provided for in the pipeline easement agreements, it shall be indicated on the face of the plat.
- W. City Environmental Health Division (EHD) advises that any wells installed on the property for irrigation purposes will have to be properly permitted, installed and inspected. EHD notes that there are easements for several petroleum pipelines. EHD urges caution and the implementation of appropriate safety measures in the event of any planned excavations in the vicinity of these identified pipeline easements, especially during the extension of water and sewer services to these parcels.
- X. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- Y. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)

- Z. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- AA. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- BB. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- CC. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- DD. Perimeter closure computations shall be submitted with the final plat tracing.
- EE. Westar Energy requests additional easements which have been denoted on the revised final plat. Becky Thompson, Construction Services Representative for the northeast area, will be the contact for this plat and can be reached at 261-6320. Any relocation or removal of service due to this plat will be at the applicant's expense.
- FF. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

DOOL moved, **MCKAY** seconded the motion, and it carried (11-0).

3. PUBLIC HEARING – VACATION ITEMS

- 3-1. VAC2016-00005: City request to vacate a portion of platted complete access control on property**, generally located between 34th and 35th Streets North on the west side of Webb Road.

OWNER/APPLICANT/

Sedgwick County, c/o Rob Lawrence (owner/applicant) Baughman Company,

AGENT:

PA, c/o Phil Meyer (agent)

- LEGAL DESCRIPTION:** Generally described as vacating a portion of the south 219.65 feet of platted complete access control located on Parcel B of Lot 35, Comotara Industrial Park Fourth Addition, Wichita, Sedgwick County, Kansas.
- LOCATION:** Generally located on the west side of North Webb Road between East 34th and 35th Streets North (WCC #II)
- REASON FOR REQUEST:** Allow a full movement drive for a Sedgwick County Emergency Medical Service
- CURRENT ZONING:** The site, abutting south and adjacent west properties are zoned LI Limited Industrial

The applicant proposes to vacate a portion of the south 219.65 feet of platted complete access control located on what the applicant has described as Parcel B of Lot 35, Comotara Industrial Park Fourth Addition. The Comotara Industrial Park Fourth Addition was recorded with the Sedgwick County Register of Deeds October 16, 1978. The Comotara Industrial Park Fourth Addition established complete access control along Lot 35's 522.56 feet of Webb Road frontage except for one opening. On January 7, 2016 (approval date), Lot Split LSP2016-00001 divided Lot 35, Comotara Industrial Park Fourth Addition into a north Parcel A and the subject site into a south Parcel B. The north Parcel A is developed with an office building (built 1982) with parking and the permitted drive/access onto Webb Road. Parcels A and B have different owners and the owner of Parcel B, Sedgwick County, is requesting full movement access onto Webb Road for a County Emergency Medical Service facility (EMS).

Webb Road has (full curbed) four-lanes at this location. Parcel A's drive/access is located approximately 160 feet north of the common property line it shares with Parcel B. The south abutting, undeveloped Lot 12, Comotara Industrial Park Fifth Addition has a permitted drive/access onto Webb Road located approximately 80 feet south of the common property line it shares with Parcel B; recorded December 1, 1978. Public street right-of way (that portion of 35th Street North located on the east side of Webb Road) lines up with the south approximately 35 feet of the subject Parcel B. There is 225 feet of platted complete access control located north the public street right-of-way that eliminates a drive/access being located east, across Webb Road, of the subject site; Colonel James Jabra Airport Addition, recorded August 22, 1983.

The current Access Management Regulations standard for a right-in – right-out drive is 200 feet between drives or arterial intersections and 400 feet between full movement drives or arterial intersections. Per the Subdivision Regulations, Art 10-104, Modification of Design Criteria, Art VII – Design Standards – Part 2 Specific Standards – 7-204, L, the MAPC may modify design criteria. In the past staff has recommended modified design criteria, which has been approved by the MAPC.

Stormwater inlets and line and a water line are located in Webb Road along the subject site's frontage. A sewer line is located in the south 20 feet of the subject site within a platted 20-foot wide drainage and utility easement. There are utility poles and power lines located in the area of the vacation. The installation of the drive may require the relocation of utilities at the applicant's expense. Westar has equipment along the west side of Webb Rd between 34th and 35th streets north. Westar has no objection to this request as condition # 2 will cover any equipment that may need to be removed or relocated to accommodate the new full movement drive for the applicant. Becky Thompson is the Construction Services Representative for the northeast area and will be the contact for this vacation request. Ms Thompson can be reached at 261-6320.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of platted complete access control.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time February 25, 2016, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described portion of platted complete access control and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request

- (1) Per the approval of the Traffic Engineer, vacate a portion of the south 219.65 feet of platted complete access control located on Parcel B of Lot 35, Comotara Industrial Park Fourth Addition. Provide a dedication by separate instrument of access control allowing the drive with original signatures, to Planning Staff prior to the case going to City Council for final action and subsequent recording at the Register of Deeds.
- (2) Any relocation or reconstruction of utilities, including, but not limited to, Stormwater, water, sewer, and Westar's equipment, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Westar has equipment along the west side of Webb Rd between 34th and 35th streets north. Westar has no objection to this request as condition # 2 will cover any equipment that may need to be removed or relocated to accommodate the new full movement drive for the applicant. Becky Thompson is the Construction Services Representative for the northeast area and will be the contact for this vacation request. Ms Thompson can be reached at 261-6320. Provide all needed plans for review and approval by utilities. Provide Planning with any plans as approved by the utilities. This must be provided to Planning prior to the case going to City Council for final action.

- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) Provide Planning Staff with a legal description of the approved vacated portion of the platted complete access control on a Word document, via e-mail, to be used on the Vacation Order. This must be provided prior to the request proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Per the approval of the Traffic Engineer, vacate a portion of the south 219.65 feet of platted complete access control located on Parcel B of Lot 35, Comotara Industrial Park Fourth Addition. Provide a dedication by separate instrument of access control allowing the drive with original signatures, to Planning Staff prior to the case going to City Council for final action and subsequent recording at the Register of Deeds.
- (2) Any relocation or reconstruction of utilities, including, but not limited to, Stormwater, water, sewer, and Westar's equipment, made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Westar has equipment along the west side of Webb Rd between 34th and 35th streets north. Westar has no objection to this request as condition # 2 will cover any equipment that may need to be removed or relocated to accommodate the new full movement drive for the applicant. Becky Thompson is the Construction Services Representative for the northeast area and will be the contact for this vacation request. Ms Thompson can be reached at 261-6320. Provide all needed plans for review and approval by utilities. Provide Planning with any plans as approved by the utilities. This must be provided to Planning prior to the case going to County Commission for final action.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) Provide Planning Staff with a legal description of the approved vacated portion of the platted complete access control on a Word document, via e-mail, to be used on the Vacation Order. This must be provided prior to the request proceeds to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

WARREN moved, **ELLISON** seconded the motion, and it carried (11-0).

3-2. VAC2016-00006: County request to vacate that portion of 93rd Street North public right-of-way, located between Greenwich Road and 127th Street East.

APPLICANT/AGENT: Corrigan Family Farms LLC (applicant) Ken W. Dannenberg & Zach K Wiggins

LEGAL DESCRIPTION: Generally described as vacating that portion of East 93rd Street North public right-of-way located from North 127th Street East to a point ½-mile west, Sedgwick County, Kansas

LOCATION: Generally located midway between East 101st Street North and 85th Streets North (BoCC 1)

REASON FOR REQUEST: Road was never improved and is not in use

CURRENT ZONING: All abutting and adjacent properties are zoned RR Rural Residential

The applicant is requesting the vacation of what generally can be described as the 60-foot wide, east half-mile of East 93rd Street North, beginning at its intersection with the west side of North 127th Street East. 93rd Street North appears to have been established in 1884, which is prior to the 1908 mass production of the Ford Model T. A 1938 aerial (the oldest found) shows that the road was no longer in public usage. Given the number of creek crossings, it is unlikely that the township wanted to try to maintain the road in any condition that would be useful to motorized vehicles. Property ownerships or cooperation between owners may have made the road less important well before 1938. The applicant owns all of the abutting property along the east, half-mile section of 93rd Street North. The west half of 93rd has two different abutting ownership. The vacation would create a dead-end road, but keep in mind that no road exists except on paper and the expense of building bridges across the many creeks running over it makes its development unlikely. The vacation request would not deny any properties access to public street right-of-way. The vacation will not alter traffic patterns, as there is no visible road and thus no vehicular traffic. The surrounding properties are agricultural fields. There are no utilities located within the described road right-of-way. There was a road viewing at the time the right-of-way was established in 1884. There was a decision made at that time to relocate the west end of the road to the north.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Public Works, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described public road right-of-way.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time February 25, 2016, which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by vacating the described portion of public road right-of-way and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request

- (1) Vacate the described portion of the East 93rd Street North public road right-of-way. Provide Planning with a legal description of the vacated right-of-way on a Word document, via E-mail to be used on the Vacation Order. This must be provided to Planning prior to VAC2016-00006 proceeding to County Commission for final action.
- (2) Provide a covenant, with original signatures, binding and tying the described vacated public road right-of-way to the applicant's abutting property. This must be provided to Planning prior to VAC2016-00006 proceeding to County Commission for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds and the Sedgwick County Appraisers Office.
- (3) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to County Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to County Commission for final action.
- (4) All improvements shall be according to County Standards and at the applicants' expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the described portion of the East 93rd Street North public road right-of-way. Provide Planning with a legal description of the vacated right-of-way on a Word document, via E-mail to be used on the Vacation Order. This must be provided to Planning prior to VAC2016-00006 proceeding to County Commission for final action.

- (2) Provide a covenant, with original signatures, binding and tying the described vacated public road right-of-way to the applicant's abutting property. This must be provided to Planning prior to VAC2016-00006 proceeding to County Commission for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds and the Sedgwick County Appraisers Office.
- (3) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to County Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to County Commission for final action.
- (4) All improvements shall be according to County Standards and at the applicants' expense.
- (5) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

BILL LONGNECKER, Planning Staff presented the Staff Report.

RICHARDSON said he wanted all Commissioners to hear the case so they could understand that this is closing a section line road. He said the Commission has had discussions on closing section line roads in the past.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

WARREN moved, **JOHNSON** seconded the motion, and it carried (11-0).

PUBLIC HEARINGS

4. **Case No.: ZON2016-00008** - Import Auto Center and Venture Realty, Inc. (Owners/Applicants) and Kaw Valley Engineering, Attn: Tim Austin (Agent) request a City zone change from B Multi-family Residential to LC Limited Commercial on property described as:

LOT 1, BLOCK 1, ALONG WITH 10 FEET VACATED ALLEY ADJACENT ON WEST, SIXTY-SIX ADDITION, SEDGWICK COUNTY, KANSAS; ALONG WITH, LOTS 30-32-34-36, EXCEPT THAT PART DEEDED TO CITY, BLOCK 1, MINNEAPOLIS ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; ALONG WITH, LOTS 38-40, EXCEPT THAT PART LYING WEST OF A LINE STARTING AT A POINT 59 FEET EAST OF THE SW CORNER LOT 40 AND ENDING AT A POINT 47.2 FEET EAST OF THE NW CORNER OF LOT 38 DEEDED TO CITY FOR HIGHWAY PURPOSES, BLOCK 1, MINNEAPOLIS ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; ALONG WITH,

THE EAST 33 FEET OF LOTS 42-44 ALONG WITH THAT PART OF LOTS 42-44 DESCRIBED AS FOLLOWS: BEGINNING 33 FEET WEST OF THE NE CORNER OF LOT 42, THENCE SOUTH 22.60 FEET, THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT 39.58 FEET, THENCE NORTH 2.35 FEET TO THE NORTH LINE OF LOT 42, THENCE EAST 32.50 FEET TO THE POINT OF BEGINNING, BLOCK 1, MINNEAPOLIS ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; ALONG WITH, THE EAST 33 FEET LOT 46 AND THE NORTH 5 FEET OF THE EAST 33 FEET OF LOT 48, BLOCK 1, MINNEAPOLIS ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS.

VICE CHAIR DENNIS announced that the case was deferred indefinitely.

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5. **Case No.: CON2016-00004** - Kristopher Nicholson and Fred Nicholson (owners/Applicants) and MKEC Engineering Consultants, Inc, c/o Brian Lindebak (agent) request a County Conditional Use for mining or quarrying (sand extraction) on 82.7 acres in RR Rural Residential zoning on property described as:

Tract 1: The Southwest Quarter of the Northeast Quarter of Section 16, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas.

Tract 2: The Southeast Quarter of the Northwest Quarter of Section 16, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas.

Tract 3: A 60 foot wide tract of land in the East half of the Northeast Quarter of Section 16, Township 26 South, Range 1 West of the Sixth Principal Meridian, Maize, Sedgwick County, Kansas, said tract of land being the South 60.00 of the following described tract of land: Beginning at a point on the East line and 658.36 feet South of the Northeast corner of said Section 16; thence South 328.48 feet; thence West 1326 feet; thence North 328.46 feet; thence East 1326.5 feet more or less to the point of beginning.

BACKGROUND: The applicant is seeking a conditional use to permit sand extraction on approximately 83 acres located south of West 61st Street North and west of North Ridge Road. Access to the site is proposed to be along an existing off-site private drive from North Ridge Road, that is owned by the applicant and is currently being used for the existing sand extraction operation abutting the north part of the subject site (see attached Operational Plan). Vehicles would enter and exit this driveway from North Ridge Road. The existing operation to the north of the subject site and the access drive are located in the city limits of the City of Maize.

The applicants propose a conditional use permit to mine sand/gravel from the ground on unincorporated land. The applicants previously achieved a Conditional Use (CU-01-009) in the City of Maize on the site directly north and adjoining the subject site. The applicants have previously obtained the necessary water rights for both the proposed groundwater pond and the existing groundwater pond depicted as CU-01-009 Sandpit. The applicants are nearing the maximum size of their pond (22 +/- acres) and propose to continue their operations on their lands to the south as per this application. They propose to utilize the same haul road route, as previously approved, and propose to retain the existing scales, sand washing/sifting and office locations on the land as approved on CU-01-0009 until the completion within the next 5 to 10 years. The hours of operation are proposed to be 7:00 AM to 5:00 PM for trucking and from 6:00 AM to sunset for dredging operations. A 100-year floodplain runs along the south and west section of the proposed pond. The edges of the excavations are to be located at least 150 feet from the north, south and east property line, and at least 70 feet from the west property line. The redevelopment plan indicates a large lot with three residences surrounding the proposed pond, accessed by the existing access road and private drives through the subject site.

The application area is currently used for agricultural production, and is zoned RR Rural Residential. Surrounding land is divided into large-lot tracts with a mix of large-lot residential, agricultural uses and a sand/gravel extraction operation that are either zoned RR Rural Residential or within the city limits of the City of Maize. There are approximately 10 homes located east of the application area, most of which have frontage or access to North Ridge Road. South of the application area is the Mystic Lakes residential development that currently contains approximately 20 residences with access off of North Tyler Road and within the city limits of Maize. There is one residence to the west of the site on a large lot residential/agricultural property, zoned RR. Directly north of the site is an existing sand/gravel extraction operation that is with the City of Maize city limits and was approved by a Conditional Use (CU-01-009). Surrounding, property owners rely on on-site wells for water supplies. If approved, the applicant will have to obtain any required permits dealing with ground water from the Groundwater Management District and any other agency charged with managing groundwater resources.

CASE HISTORY: Property north of the subject site (under the same ownership as the subject site) is currently being used as a sand extraction operation, with a Conditional Use for the operation and the access road, approved by the City of Maize in 2009. The subject site's current RR zoning was probably granted in 1985 with the adoption of countywide zoning. The site is currently unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	City of Maize	Sand/gravel Extraction
SOUTH:	RR and City of Maize	Farmland and Residential
EAST:	RR and City of Maize	Farmland and Residential
WEST:	RR	Farmland and Residential

PUBLIC SERVICES: West 53rd Street North and North Ridge Road are both paved rural major collectors, section line roads. 61st Street North is a paved, two lane, local serving section line road. Staff believes these roads are maintained by Park Township. Significant truck traffic will lead to increased maintenance requirements, and will trigger a need for additional improvements to mitigate the impact. No City of Wichita served public sewer or water is available in this area.

CONFORMANCE TO PLANS/POLICIES: The Community Investments Plan 2035 Urban Growth Areas Map depicts this site as being located within the City of Maize's 2035 "Small City Urban Growth Area." These areas are generally located adjacent to existing municipal boundaries and indicate the likely direction and magnitude of growth these communities can expect to experience out to the year 2035. Determination of growth direction and amount is based upon municipal political considerations, anticipated municipal population growth, efficient patterns of municipal growth, current infrastructure limitations, cost effective delivery of future municipal services and environmental factors. Commercial/industrial development should be limited to the following: agricultural-oriented uses; rural home occupations; natural resource dependent; convenience services; highway-oriented services at interchange areas; or uses that need significant buffering from residential areas (to mitigate nuisance or hazard impacts). Industrial and major commercial land uses that generate pollution, odor, noise, light, safety hazards, and high levels of traffic should be located away from residential areas and developed with screening, buffering, and site design features sufficient to mitigate adverse impacts. The site is located within the City of Maize's "urban area of influence" and they are scheduled to hear the request on April 7, 2016. The City of Maize Land Use Plan depicts this site where the excavations will occur for "agricultural uses."

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The extraction operation on the site shall proceed in accordance with the approved site plan (including any modifications to limitations on the scope of excavations required by other regulating agencies), and be subject to the supplementary use regulations found in the *Unified Zoning Code* at Article III, Section III-D, gg (attached), unless specifically modified by conditions contained in this conditional use. If additional limitations on the scope of excavation are required after final approval, the applicant shall provide a revised site plan depicting those restrictions.
2. In addition to the standard specified in Sec. III-D.gg.(6) and (22), interior roads, work areas and stockpiles shall be treated to minimize dust from blowing from the site. If requested by Metropolitan Area Building and Construction Department (MABCD), the applicant shall maintain a log detailing the type of dust retardant and how often and when the retardant was used and the log shall be provided to MABCD inspectors upon request.
3. The Conditional Use for sand extraction shall be valid for ten years following the date of final action (either MAPC or County Commission) approving extraction operations. The applicant may apply for an administrative adjustment for an additional two years should extraction operations not be completed at the end of the ten year time period.
4. The hours of operation are proposed to be 7:00 AM to 5:00 PM for trucking and from 6:00 AM to sunset for dredging operations.
5. The edges of the excavations are to be located at least 150 feet from the north, south and east property line, and at least 70 feet from the west property line.
6. The Operational Plan and the Post Operational plan shall be revised to reflect newer floodplain mapping as shown in the Preliminary Floodplain maps.

7. Floodplain development permits shall be acquired from the Kansas Division of Water Resources and Sedgwick County prior to any work to develop the site for sand extraction.
8. A Notice of Intent shall be acquired from the Kansas Department of Health and Environment and a Stormwater Permit shall be acquired from Sedgwick County prior to any work to develop the site for sand extraction.
9. The property is within the boundary of Groundwater Management District No. 2. GMD2 shall be contacted to see how their regulations affect the routing of drainage through the site, and the applicant shall implement the steps directed by GMD2 to protect the groundwater quality.
10. In order to insure that all permit requirements can be met, that improvements in the floodplain will not create adverse impacts in the area, that the channel of the Little Slough will not be interrupted, that the requirements of GMD2 can be met and that the completed site can be redeveloped; the applicant shall be required to obtain approval of a drainage plan by Sedgwick county Public Works prior to any work to develop the site for sand/gravel extraction.
11. The Operational Plan shall reflect that no materials, including overburden or spoil materials, may be placed in the floodplain unless specifically allowed by floodplain permits and the drainage plan. The boundaries of the floodplain shall be delineated with durable markings, such as posts with signs, prior to any work to develop the sand extraction operation.
12. The Conditional Use shall not allow the use of Hidden Acres Street to access the property until the sand extraction operation is complete and closed out.
13. The proposed site encompass properties owned by three different owners. The applicant shall provide and file, with the Register of Deeds, a private access easement encompassing all of the properties involved in the sand extraction to insure that the site can be served from the existing private drive throughout the period of operation.
14. The existing entrance to the sand extraction operation was not constructed according to county permit requirements and standards. Loaded trucks from the current operation predominantly turn south from the site and are tracking off of the shoulder of the drive and the shoulder of Ridge Road. Prior to commencing any work to develop the new site for sand extraction, the applicant shall be required to reconstruct the culvert to County standards and pave the drive with sufficient asphalt or concrete to withstand the heavy truck traffic. A right turn acceleration lane shall be constructed, to County standards, south of the entrance to provide for turning movements that do not obstruct northbound traffic and allow trucks to track on pavement throughout the turn.
15. If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area is currently used for agricultural production, and is zoned RR Rural Residential. Surrounding land is divided into large-lot tracts with a mix of large-lot residential, agricultural uses and a sand/gravel extraction operation that are either zoned RR Rural Residential or within the city limits of the City of Maize. There are approximately 10 homes located east of the application area, most of which have frontage or access to North Ridge Road. South of the application area is the Mystic Lakes residential development that currently contains approximately 20 residences with access off of North Tyler Road and within the city limits of Maize. There is one residence to the west of the site on a large lot residential and agricultural property, zoned RR. Directly north of the site is an existing sand/gravel extraction operation that is within the City of Maize city limits and was approved by a Conditional Use (CU-01-009). Surrounding property owners rely on on-site wells for water supplies. If approved, the applicant will have to obtain any required permits dealing with groundwater from the Groundwater Management District and any other agency charged with managing groundwater resources.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned RR Rural Residential, which is one of the more restrictive districts found in the code. The site could be developed as currently zoned for low-density residential uses with a two-acre minimum zoning lot size. However these homes would have to use on-site sewer systems or extend sewer service since sewer service is not available.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: During excavation there will be additional noise, truck traffic and blowing dust when compared to residential development. When excavation is completed, the resulting lake could be seen as an enhancement as water features are generally viewed as positive additions to residential settings. The conditions of approval will help to mitigate detrimental effects.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: The construction industry requires sand. The applicant is in the aggregate business and cannot operate his business without sand. When one is dependent upon a resource based material like sand, one must go where the sand is located. If the request is denied, presumably the applicant will suffer an economic loss, as he will need to find another site. Since sand is used in many public and private projects a shortage of sand could negatively impact these projects by raising the cost or increasing the time to complete these projects. When completed the resulting lake can be seen as an amenity to the community.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Community Investments Plan 2035 Urban Growth Areas Map depicts this site as being located within the City of Maize's 2035 "Small City Urban Growth Area." These areas are generally located adjacent to existing municipal boundaries and indicate the likely direction and magnitude of growth these communities can expect to experience out to the year 2035. Determination of growth direction and amount is based upon municipal political considerations, anticipated municipal population growth, efficient patterns of municipal growth, current infrastructure limitations, cost effective delivery of future municipal services and environmental factors. Commercial/industrial development should be limited to the following: agricultural-oriented uses; rural home occupations; natural resource dependent; convenience services; highway-oriented services at interchange areas; or uses that need significant buffering from residential areas (to mitigate nuisance or hazard impacts). Industrial and major commercial land uses that generate pollution, odor, noise, light, safety hazards, and high levels of traffic should be located away from residential areas and developed with screening, buffering, and site design features sufficient to mitigate adverse impacts. The site is located within the City of Maize's "urban area of influence" and they are scheduled to hear the request on April 7, 2016. The City of Maize Land Use Plan depicts this site where the excavations will occur for "agricultural uses."
6. Impact of the proposed development on community facilities: Increased truck traffic on section line roads will likely increase maintenance requirements. The conditions of approval requiring County standard road improvements will help mitigate the maintenance impacts. Sand extraction does not require publicly supplied sewer or water services.

DERRICK SLOCUM, Planning Staff presented the Staff Report. He indicated that there was a revised site plan since the agenda was mailed out. He said the applicant plans on dividing the site into two sections, site 1 and 2. He said they propose to begin operation on the site that is to the north and outside of the floodplain first. He said once they obtain all required permits for work in the floodplain, they will start excavating further south on the land located in the floodplain. He said the applicant has also requested a revision on Condition #5 to 100 feet from the north property line.

SLOCUM reported that the case is scheduled to be heard by the Maize Planning Commission on Thursday, April 7, 2016.

RICHARDSON asked if the County Commission had the final approval authority.

SLOCUM said only if there are protests on the case.

DIRECTOR MILLER explained that if the City of Maize recommends approval, final authority for approval of conditional uses rests with the Planning Commission.

RICHARDSON mentioned questions raised by County Engineering staff and if the revisions took care of their concerns.

SLOCUM replied yes, and added that he has been in contact with County Engineering and they have agreed on the conditions in the Staff Report.

RICHARDSON said he has concerns about working in the floodplain and indicated that really hasn't been worked out. He referred to the GIS map and asked about property ownership to the north.

SLOCUM said that was a question for the applicant.

BRIAN LINDEBAK, 411 NORTH WEBB ROAD, MKEC ENGINEERING ON BEHALF OF THE OWNERS AND APPLICANTS referred to an aerial map of the area, including the access road and current sand extraction operation. He said they met with Planning staff and County Engineering throughout the application process. He said they provided both the current and proposed Floodplain (scheduled to be effective December, 2016) Maps and will stay out of those areas until they have permits approved by the appropriate regulatory agencies. He referred to the area to the south located in the floodplain.

LINDEBAK said in reference to Condition #5, the 150 feet on the north was an estimation off scale of the map. He said they would like to create some character and keep a shoreline so they would like that to be between 75-100 feet. He said the applicant would like to create a natural feeling and not have the area be so “man made.” He said in reference to Condition #7, the applicant is breaking up development into two areas. He said the floodplain permit is required on the southern area, not the northern area.

RICHARDSON asked who owned the piece of property to the north. He commented it’s not the same owner.

LINDEBAK said the applicants own the drive and are related to the property owners to the north. He said there is an easement document that is currently being amended to allow the applicants to cross properties.

RICHARDSON said one of the approval requirements should have been an easement across the property.

LINDEBAK commented as background that sandpits are vital to the local economy. He said 75% of the sand and aggregate that comes out of the pit will be used locally.

ELLISON asked about building restrictions on properties to the east and mentioned that there were expensive homes with outbuildings made out of aluminum. He asked if Maize had a plan for development of the area after the sandpit is done.

LINDEBAK said a plan was approved back in 2009 and referred to a concept of how the sandpit will be developed afterwards. He said eventually there will be \$100,000 dollar houses surrounding these bodies of water, and added that the area will be an attractive place to live.

ELLISON asked about the area southeast of this location.

LINDEBAK responded that they were not building those homes, they were approved on a separate plat and have nothing to do with the case being discussed. He added that the City of Maize has declined to have their Planning Commission hear this conditional use case.

ELLISON said living in the area within several miles, he sees so many additions going up around these sandpits, approximately ten of them, with no cohesive plan. He asked if these developments are going to be attractive for the City of Wichita and the community.

LINDEBAK said he can address their plans but cannot speak to anything outside their plan because those are not their properties to develop. He said this plan includes three large residential lots. He referred to the development plan approved by the City of Maize in 2009. He said what they are proposing leaves the land in much better condition than what it was prior to development.

WARREN asked about the proposed reduction from 150 feet to 100 feet and if natural erosion would eat away at that.

LINDEBAK said that could be a concern and added that the plan has to be approved by the Division of Water Resources. He said they will be required to build erosion control berms that won't create an issue with the lake banks moving, etc.

DIRECTOR MILLER added that there was a standard condition in the UZC that requires developers to plant grass or some other material to mitigate erosion in addition to slope requirements, etc., that address erosion.

RICHARDSON asked Staff to bring up the Floodplain Map.

LINDEBAK briefly explained the boundaries of the application area. He commented that the areas annotated in yellow and green are in the current Floodplain. He said according to the new Floodplain Maps, the area annotated in green will go away. He said they will stay north of the current floodplain until they have obtained the necessary permits from the County, Division of Water Resources and other regulatory bodies.

RICHARDSON asked about mitigating pollution of the groundwater table.

LINDEBAK said they have to adhere to the Floodplain Manual as well as restrictions/requirements imposed by the Groundwater Districts. He briefly explained that they will create berming that will route the first flush of contaminants through a channel outside the edge of the water. He said further berming will prevent water from getting into the water supply.

RICHARDSON mentioned that if there was a heavy rain, then contaminants could flow through the pond.

LINDEBAK admitted they could and said they will be required to prepare and submit a Drainage Report for approval. He said they wanted to get the zoning before proceeding with additional requirements.

DENNIS requested clarification of the 100 foot reduction on the north, south and east sides of the sandpit.

LINDEBAK said they would like a reduction to 70 foot on the north and west. In addition to amending Condition #7 so they have approval to move forward on the section of property that is not located in the floodplain.

MOTION: To approve subject to staff recommendation as amended at the meeting to include revision of Condition #5 to reduce the requirement to 70 feet on the north and west and revision to Condition #7 to split the property into site 1 and 2.

WARREN moved, **JOHNSON** seconded the motion, and it carried (11-0).

5. **Case No.: PUD2016-00001-** Jesri Investments, LLC (Applicant/Owner) and KE Miller Engineering, P.A., c/o Kirk Miller (Agent) request a City rezoning for a Planned Unit Development (PUD) to allow GC General Commercial uses with restrictions and an offsite billboard sign on property described as:

Lot 1, Block 1 and Lot 1, Block 2, Belle Terre South an Addition to Sedgwick County, Kansas.

BACKGROUND: The undeveloped application area is located north of East Kellogg (US 54 Highway), at the half-mile location between South 143rd Street East and South 159th Street East. The applicants propose rezoning this property from LC Limited Commercial (LC) to PUD #49, the Belle Terre Commercial Planned Unit Development. In addition to rezoning, the PUD would remove this site from the existing CUP DP-226 and associated restrictions. The remaining DP-226 will continue to exist east of the site. The applicants operate a construction sales and service business and an equipment rental and sales business; both businesses require outdoor storage and display. The applicants propose to relocate their businesses to this site. The applicants also own a digital billboard which they propose to place on this site and use for on and off-site advertising. According to the Unified Zoning Code (UZC), a PUD is intended to:

- (1) Reduce or eliminate the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots;
- (2) Allow greater freedom in selecting the means to provide access, light, open space and design amenities;
- (3) Promote quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land uses; and
- (4) Allow deviations from certain zoning standards that would otherwise apply if not contrary to the general spirit and intent of this Code.

The platted 19.4-acre site is undeveloped with a heavily wooded floodway and landscape buffer along the north and east boundaries following Four Mile Creek. An irregular shaped reserve (Reserve L) sits at the southwest corner of the site; it is an exception as it is not owned by the applicant. The platted Kellogg Drive on the site is unimproved. The site currently has one 35-foot wide access point to the Kellogg Expressway at the west boundary. The proposed PUD requires re-platting the site, closing this one access point and establishing a right-in right-out only access point east of Reserve L. The right-in right-out access point will have acceleration and deceleration lane improvements guaranteed by the developer. Re-platting will also include re-routing Kellogg Drive to function as a frontage road along US-54 and eliminating its northern connection to a residential subdivision, and determination of dedication for the future expansion of the Kellogg Expressway. The proposed PUD includes two parcels and two reserves for the floodway and landscape buffer and stormwater control. The PUD has a 5-foot wall easement along the west property line, 35-foot building setbacks from the west and south property lines, and a designated display area along the Kellogg Drive frontage.

Proposed PUD specifications include signage limited to LC zoning, restricted to 20 feet in height, must be monument signs, and prohibits portable signs. The PUD proposes one off-site, LED, billboard sign which may advertise on or off-site purposes. The off-site sign must be setback 150 feet from the Kellogg Expressway and 300 feet from the west property line, it is limited to 14 by 48 feet in size and 30 feet in height, and requires permitting from state authorities. Without the proposed PUD, this off-site sign would not be permitted by the Sign Code, as adequate commercial zoning (without CUP prohibitions) does not exist in this mile of frontage. The existing CUP, DP-226, prohibits off-site signs. The Sign Code prohibits off-site signs from being used for on-site advertising.

The PUD limits light pole height to 15 feet, requires underground utilities, requires a masonry wall on the west boundary when development occurs within 300 feet, prohibits outdoor speakers and noise trespass beyond property lines, and requires screening of rooftop mechanical equipment and trash receptacles. The PUD requires architectural consistency between buildings and site circulation approval for new buildings. The PUD requires that outdoor storage of materials and equipment be 150 feet from surrounding property or right-of-way. Outdoor storage must be visually screened from all surrounding properties and from all public right-of-way, to include US 54, and may not be stacked or piled higher than screening walls or landscaping. The PUD requires a landscape plan which may use existing vegetation to contribute towards the 25-foot landscape buffer separating this site from residential zoning. Evergreen screening, meeting the code definition of solid screening, may be used in lieu of a screening wall along the north property line. The PUD requires paving of all internal circulation to mitigate dust.

The proposed PUD would allow GC General Commercial (GC) uses with the following prohibitions: manufactured/mobile homes, assisted living, group residence, auditorium, cemetery, community assembly, correctional placement residence, golf course, library, entertainment establishment, event center, farmers market, kennel, hobby and boarding/breeding/training, recreational marine facility, indoor and outdoor recreation and entertainment, rodeo, riding academy or stable, sexually oriented business in the city, tattooing and body piercing facility, teen club, vocational school, hospital, recycling collection stations, reverse vending machine, school (elementary, middle and high), car wash, convenience stores, nightclub, pawn shop, service stations, tavern and drinking establishments, vehicle repair, adult entertainment, recycling processing, second hand store, microbrewery, self-service warehouse, RV campground, outdoor vehicle sales, manufacturing (limited and general), vehicle storage yard, warehousing, and welding or machine shop. No hotels or motels are permitted on the west 300 feet. Any use requiring a conditional use in GC zoning requires a PUD amendment. The land use differences between this PUD and the existing CUP are: outdoor equipment rental and sales, contractor sales and services (to include associated outdoor storage), retail, restaurants, animal care and banking.

Property north of the site, across the floodway and landscape buffer, is zoned SF-5 Single-family Residential (SF-5) and developed with single-family residences. South of the site is US-54, further south is an SF-5 zoned neighborhood to the southwest, and an unincorporated, SF-20 Single-family Residential (SF-20) zoned large-lot residence. East of the site is the LC zoned remainder of the undeveloped CUP, DP-226. West of the site is another unincorporated, SF-20 zoned large-lot residence.

CASE HISTORY: The property was rezoned to LC with DP-226 in 1997 and platted as a portion of the Belle Terre South Addition in 1997. Approval of this PUD would require re-platting the site.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residential, floodway reserve
SOUTH:	SF-20, SF-5	US-54, Single-family residential
EAST:	LC, DP-226	Undeveloped
WEST:	SF-20	Large lot residential

PUBLIC SERVICES: The site has frontage along the Kellogg Expressway. The PUD proposes complete access control except for one right-in right-out only access point east of Reserve L. All other utilities are available to the site. The PUD requires connection to public water and sewer for development.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies this location on the *2035 Wichita Future Growth Concept Map* as “Residential and Employment Mix.” The Locational Guidelines of the Comprehensive Plan encourage major commercial development in close proximity to highways. This application meets the Comprehensive Plan Land Use Compatibility and Design recommendations regarding screening, buffering, shared internal vehicular and pedestrian circulation, access controls, noise and lighting controls and aesthetic considerations. The Plan’s *Priority Enhancement Areas for Wichita Infrastructure Projects Map* identifies this portion of Kellogg as a “Wichita Primary Gateway,” and recommends considering the inclusion of site design features that increase the sense of quality of life through emphasis of visual character and aesthetic improvements.

RECOMMENDATION: Planning Staff worked with the agent for the applicant to modify this PUD request. Staff’s recommendation takes in consideration the existing CUP on the site and staff’s recommendation for similar requests and uses along Kellogg frontage. Staff notes that while this request is more intense than what was previously permitted under DP-226, highway frontage is where one would expect contractor sales and services and billboards. Staff feels that the extensive floodway landscape buffer, along with other PUD requirements, will protect surrounding residential areas and the Kellogg Expressway from negative impacts. Staff notes that the proposed off-site sign would not be allowed without this PUD, and the Sign Code prohibits use of off-site signs for on-site advertising. The PUD allows for other adequate on-site signage. Based on information available prior to the public hearing, staff recommends the request be **APPROVED** subject to the following conditions:

- A. The PUD is subject to re-platting to include: complete access control except for one right-in right-out only access point to US-54 located east of Reserve L, guarantee of acceleration and deceleration lane improvements, reconfiguration of Kellogg Drive to a frontage road with emergency access to the vacated portion of Kellogg Drive if required, dedications for the future Kellogg Expressway will be determined, and a drainage plan and associated guarantees will be required.
- B. The off-site sign shall be permitted for off-site advertising only; on-site advertising is prohibited per the Sign Code on the off-site sign.
- C. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

- (1) The zoning, uses and character of the neighborhood: The site is located along the north side of US-54. Property north of the site, across the floodway and landscape buffer, is zoned SF-5 and developed with single-family residences. South of the site is US-54, further south is an SF-5 zoned neighborhood to the southwest, and an unincorporated, SF-20 zoned large-lot residence. East of the site is the LC zoned remainder of the undeveloped CUP, DP-226. West of the site is another unincorporated, SF-20 zoned large-lot residence.
- (2) The suitability of the subject property for the uses to which it has been restricted: The site could be developed under the current LC zoning and restrictions of DP-226 for a limited range of commercial uses. However, the site has been vacant as zoned for 11 years. The applicant's proposal for contractor sales and service, equipment rental and sales, and an off-site sign require an increase in zoning intensity and removal of CUP restrictions.
- (3) Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed PUD removes restrictions of off-site signs and the more intense commercial uses of contractor sales and services and equipment rental and sales. Given mitigating screening requirements and significant existing landscape buffering, removal of these restrictions should not impact surrounding property owners.
- (4) Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request will add commercial development along US-54 where infrastructure exists. Vehicle traffic and activity on the site could negatively impact US-54; mitigating conditions are included in the PUD. Denial of this request would presumably be a loss of economic opportunity for the landowner.
- (5) Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies this location on the *2035 Wichita Future Growth Concept Map* as "Residential and Employment Mix." The Locational Guidelines of the Comprehensive Plan encourage major commercial development in close proximity to highways. This application meets the Comprehensive Plan Land Use Compatibility and Design recommendations regarding screening, buffering, shared internal vehicular and pedestrian circulation, access controls, noise and lighting controls and aesthetic considerations. The Plan's *Priority Enhancement Areas for Wichita Infrastructure Projects Map* identifies this portion of Kellogg as a "Wichita Primary Gateway," and recommends considering the inclusion of site design features that increase the sense of quality of life through emphasis of visual character and aesthetic improvements.
- (6) Impact of the proposed development on community facilities: The proposed development will increase traffic on and off this portion of US-54. Provided adequate acceleration and deceleration lanes and sufficient right-of-way for Kellogg Expressway expansion, community facilities should not be impacted.

SCOTT KNEBEL, Planning Staff presented the Staff Report. He referred to a handout which was a letter from Foulston Siefkin, LLP regarding moving the proposed offsite sign 300 feet to the east. He said this information will need to be discussed with the applicant as perhaps a revised condition for the case. In addition, he said surrounding neighbors also made the same request at the DAB meeting so the sign would be less visible to their homes. He concluded by stating that the application was approved by the DAB 4-2-1.

RICHARDSON clarified that without the proposed PUD the offsite sign would not be permitted by the Sign Code.

KNEBEL said that was correct; the offsite sign would not be allowed without a variance or PUD.

RICHARDSON said there is not a single billboard in that mile section on Kellogg. He said he was wondering why staff would approve something in direct opposition of the Sign Code.

KNEBEL said the mile between 159th and 143rd Streets is not fully developed in its zoning pattern. He said this is the zoning staff anticipates is going to occur over the next 20 year period. He said their opinion is that there likely will be some billboards approved. He said they believe the use along this area will intensify over the large lot uses and that frontage along Kellogg will become commercial properties in the long term. He said that is why they are suggesting that a billboard would be appropriate in this location.

RICHARDSON asked what conditions need to be in place for this to be approved by right.

KNEBEL said he didn't know off the top of his head, but said there was a distance requirement based on zoning and there are also limitations in terms of the number of billboards within a mile.

DIRECTOR MILLER said his understanding is that there is not enough commercial zoning within the mile length to allow a billboard.

RICHARDSON said his personal opinion is let's wait until there is enough commercial zoning. He asked about any restrictions on the display area.

KNEBEL said those restrictions are covered in the base zoning which is GC.

KIRK MILLER, K.E. MILLER ENGINEERING, AGENT FOR APPLICANT said the applicant is present to answer any specific questions. He said Absolute Natural Stone is the name of the company that was originally located on Kellogg by Dandels. He said they moved approximately one and one half years ago to a new location on east Kellogg because of the Kellogg expansion. He said they platted the property and added that KDOT was going to take some land on the back of the property. He said they also dedicated land and drainage reserve to the City. He said KDOT redid the project and put a ramp right through the middle of the property so they have to move again. He said they would like to stay out on east Kellogg. He said this isn't a great parcel of land, it has floodplain and access issues. He said they need to work around that. He said they are fine with no on-site usage of the billboard sign. He said they would also be fine with moving the billboard 200-300 feet further east. He said location of the sign is something that will have to be worked out during the signage process because it has to be approved by both KDOT and the City.

DENNIS clarified that the applicant and agent are okay with the PUD as it is currently written and agree to move the sign 300 feet further east.

K.E. MILLER commented that they worked with staff on development of the PUD and are fine with it.

RICHARDSON asked if they knew how much land KDOT would be asking for right-of-way.

K.E. MILLER said he spoke with the KDOT Project Manager and he said they are looking at taking a sliver of land from the top of the bump out at the southwest corner of the property to the southeast corner of the property.

ELLISON clarified that the proposed use will be identical as the previous location with several hundred pallets of rocks in addition to selling sheds. He asked what the neighborhood thought of that.

K.E. MILLER said yes that will be the purpose. He said there is a large landscape buffer behind the location. He referred to the map of the area and pointed out the buffer all the way around the property of approximately 100 – 150 feet which will remain for landscaping and flood zone.

ELLISON asked about flood issues on the property.

K.E. MILLER said current Floodplain Maps don't show anything; however, the new Floodplain Maps show that work will need to be done on the east side of the property which will be located in the floodplain.

BLAKE BAYSINGER, 15435 WINDHAM CIRCLE, REPRESENTING THE BELLE TERRE HOMEOWNERS ASSOCIATION said there have been a number of deaths at the corner of 159th Street and Kellogg. He said they are not happy about the sign light cycling every five seconds, noise from the diesels and dust blowing over into the neighborhood. He said they have approximately \$60 million dollars invested in the neighborhood and it has been peaceful and quiet for twenty years. He said the reason this is currently zoned LC was so that office buildings and medical offices could go in at the location. He said they are concerned that if Absolute Natural Stone goes out of business or moves what could go in there; a rock crusher or even worse. He concluded by asking the Commission to please consider the damage this will do to the neighborhood.

RICHARDSON asked if he went to the DAB meeting on the item and if he had looked at the list of prohibited uses.

BASINGER said he went to the DAB and several other neighbors were there also. He said DAB recommended approval 4-2. He said uses were discussed at the meeting and the police officer indicated it is almost impossible to site someone under the noise ordinance. He said the applicant will be picking up boulders and putting them in steel trucks night and day.

K.E. MILLER commented that the traffic signal will help the neighborhood entrance because it will give breaks for cars that want to pull back out onto Kellogg. He said the applicant indicates that they average between 10-20 customers a day with an average sales of five invoices per day. He said the equipment rental business was about 2-3 times a day. He said the applicant would like to keep all the businesses he had at his previous location.

FOSTER clarified that the applicant and agent are comfortable with the list of prohibited uses.

K.E. MILLER responded yes.

ELLISON clarified so at the previous location there were no buffering requirements. He asked what the applicant would do to buffer this location.

KNEBEL replied that there were no buffering requirements at the previous location because it had the highway in front of it and it was surrounded by commercially zoned property. He added that there are many options to meet the screening requirements on the north side of the property such as berms, landscaping, building a fence or wall or a combination of all of those.

MOTION: To approve subject to staff recommendation as amended to move the sign a minimum of 600 feet to the east.

WARREN moved, **DOOL** seconded the motion, and it carried (9-2). **ELLISON** and **RICHARDSON** – No.

FOSTER clarified that this was limited to a single billboard on this site.

KNEBEL said yes, item B. states one offsite sign will be allowed.

MCKAY said he is uncomfortable saying 300 feet or 600 feet because there are two waterways in this area. He suggested stating approximately.

DIRECTOR MILLER suggested stating a minimum of 600 feet and if they need to go further east they can. He said he believes that is what the motion maker meant.

MCKAY reported that he had ex-parte communication on the item.

6. **Case No.: DER2016-00001** - Elimination of the requirement that platting be a condition of granting a zone change as specified in MAPC Policy No. 5

BACKGROUND: Since June 9, 1971, it has been Metropolitan Area Planning Commission (MAPC) practice and policy (Policy Statement No. 5, attached) where platting or replatting is required as a condition of rezoning, the time period for completing the platting process has been established at one year from the time of approval of the zoning by the City or County governing bodies. Policy No. 5 also contained procedures for asking for extension of the platting deadline. Extensions for up to an additional six months to a year could be granted administratively. An extension for more than a one year or multiple requests for extension required governing body approval. In recent years, land developers have experienced less certainty in the market place and there have been a number of requests for platting extensions. Since 2008, 94 platting extensions have been approved. During the same time period 381 plats were filed.

A specific concern that has been identified is the following circumstance. Under the current policy when a zone change has been approved subject to platting, the official zoning map is not changed to reflect the zone change approval until the plat is recorded. If a property owner is dealing with someone from out of town or someone not familiar with the current policy of not changing the zoning map even though the zoning has been approved but not perfected, the prospective purchaser has to trust the property owner's assertion that the zone change has been approved, or take the time and expense to request a zoning verification letter from the Metropolitan Area Building and Construction Department (MABCD). Elimination of the current policy would remove the element of doubt created in the previously described scenario. Finally, elimination of the platting requirement removes a staff administration responsibility and eliminates an application fee.

Because of the changing dynamics of developing and marketing real estate and the ability to change the official zoning map sooner, it is recommended that the policy requiring platting within one year of rezoning approval be eliminated.

This policy does not waive the requirement that property be platted in order to obtain a building permit. If necessary for the public health, safety and welfare, the property owner may be required *at the time of rezoning* to guarantee or dedicate by separate instrument right-of-way and/or easements prior to the recording of a plat. Zone change approvals shall be placed upon the official zoning map upon publication of the ordinance or resolutions or upon completion of all required conditions of approval for those actions not requiring publication.

It is understood that zone change approval shall include land use applications such as zoning, conditional use, community unit plan, planned unit development and similar land use control applications.

CASE HISTORY: Policy Statement No. 5 has been in effect since June 9, 1971.

PUBLIC SERVICES: If necessary, at the time of zone change the zone change could require the property owner to guarantee or dedicate by separate instrument right-of-way and/or easements prior to the recording of a plat.

CONFORMANCE TO PLANS/POLICIES: The Community Investments Plan encourages the implementation of policies that utilize a common-sense approach that promotes reasonable regulation and promote fiscal responsibility.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that Policy No. 5 be eliminated.

DALE MILLER, Planning Staff presented the Staff Report.

RICHARDSON said he assumed some processes will need to be changed at the time of rezoning because of right-of-way dedications or guarantees by separate instruments. He said he is concerned about how that works in between the time the zoning is approved and the site is platted. He asked will the City need to get those guarantees at the time of zoning or not at all.

DIRECTOR MILLER said he had that initial concern; however, he said after extensive conversations with Public Works and they don't see that as an issue. He said it was decided that if staff knows of some project that requires additional right-of-way or something else, the City would have to ask for that at the time of the zone change. He said otherwise it would have to be obtained later through some other means.

RICHARDSON clarified so it would have to be obtained by condemnation or paying for it if it is not platted until a later date.

DIRECTOR MILLER said it would be fair to say that, yes.

JOHNSON clarified that this will be the policy from now on.

DIRECTOR MILLER replied yes, this would eliminate Policy #5 so there is no time limit for platting. He said the zoning map would be changed, after governing body approval (provided there was no Protective Overlay). He gave as an example that the City might need ten feet of additional right-of-way at an intersection, staff could include that as part of a PO as a condition of approval, but the zoning map would not be changed until all the conditions of approval had been met. He said other than that scenario, the zoning map would be changed once the governing body had approved the zoning. He said after that, the property will need to be platted in order to obtain a building permit.

JOHNSON said it seemed like this was a tremendous jump from where we are today.

DIRECTOR MILLER said he has talked to several colleagues including one who does a lot of consulting work and he said platting and zoning have never been tied together in any of the subdivision work that he has done. In addition, he added that he has spoken with several other jurisdictions who say they do not require platting right away so as best he can tell, Wichita is somewhat unique in this requirement. He said this is working in other communities and Public Works does not seem to have a problem with it so staff feel comfortable moving ahead with the idea.

DOOL asked if this would preclude the Planning Commission from requiring platting of a property within a certain period of time as a condition of zoning approval.

DIRECTOR MILLER said if the Planning Commission felt that was an appropriate and reasonable condition, it could be addressed on a case-by-case or individual basis.

JUSTIN WAGGONER, ASSISTANT COUNTY COUNSELOR said both County and City legal counsels agree with that statement.

RICHARDSON asked for clarification that the City will abandon the template for intersections with regard to acceleration and deceleration lanes, etc. unless staff knows of a project. He asked does that mean a project that has been funded, talked about, or what. He said he is concerned that the City is going to end up spending a lot more money on right-of-way in the future.

DIRECTOR MILLER said to clarify, if the staff knows of a street where right-of-way is deficient and a zone change is being requested and Public Works says they need ten more feet, then staff would ask for that as part of the zone change so the City or County wouldn't have to buy additional right-of-way. He said it will be up to staff to identify those situations.

RICHARDSON clarified so the City would still be applying today's standards at major intersections.

DIRECTOR MILLER replied yes.

RICHARDSON asked if this change required approval by both the City Council and County Commission. He also asked about the cases already in progress.

DIRECTOR MILLER said cases that have already gone to the governing body would not be included in this change. He commented that at one time there were 20 Planning Commission policies; they are now down to seven policies. He said some of the policies were reviewed by the governing body, some were not. He said staff could not find anything that indicated this policy was reviewed and/or approved by the governing bodies.

JEFF VANZANDT, ASSISTANT CITY ATTORNEY commented that there would be no "retroactive" provision if this change takes place. He said any zoning that was approved prior is bound by the policies that were in effect at that time. He said the Planning Commission can invoke any kind of policy or procedures that do not conflict with State Statutes or the Commission's Bylaws. He said staff could find no requirement where the policy or procedure had to go before the City Council or County Commission for approval.

RICHARDSON asked what was staff's position on sending this proposal to the City Council and County Commission for approval.

DIRECTOR MILLER said he was fairly confident that if this policy is eliminated, it would be following the policy positions for both sides of the street. He said he does not see a reason to ask the governing bodies for approval.

MILLER STEVENS asked isn't it current policy that people can request time extensions if they can't meet the one year platting requirement.

DIRECTOR MILLER explained as the policy is currently written, the applicant can come back within a year and ask for an extension. He said the initial extension is administrative and any extensions beyond that require governing body approval and payment of a fee. He said the record is 12 platting extensions on one piece of property.

JOHNSON asked if a person could come back now and ask for the platting requirement to be waived, based on the new policy.

DIRECTOR MILLER said they have worked with developers and modified time limits on platting all along. He said from staff's perspective, there is no reason to have the platting within one year requirement at all.

FOSTER asked what documentation is required and what is in place that insures that property is platted prior to issuance of a building permit. He asked what makes that happen.

DIRECTOR MILLER replied Subdivision Regulations.

FOSTER also asked about public health and safety and required rights-of-way, and what regulations are in place to insure that.

DIRECTOR MILLER indicated that what staff thought would happen on a practical basis is they would identify any requirements when zone changes go through as far as infrastructure, right-of-way, utility easements, etc. and ask for those as part of the conditions of the zone change.

FOSTER said what concerns him is there doesn't seem to be any policy or something in the Subdivision Regulations that make sure that happens, it is solely at the discretion of staff.

DIRECTOR MILLER commented that was the way it is handled now. Staff does its best to identify infrastructure needs and when the plat is processed, everyone else at the Subdivision Meeting has a chance to weigh in.

FOSTER said they are going to lose that Subdivision Meeting review. He just wants to make sure that platting occurs.

DIRECTOR MILLER reiterated that you can't get a building permit without the property being platted.

RICHARDSON asked if Public Works staff will be asked to identify needs because he understands they don't get too involved at the zoning level but do at the platting level.

DIRECTOR MILLER said although the Planning Commission doesn't see it, all zoning cases are discussed with Public Works and/or Sewer and Water staff. He said all municipal services are included.

RICHARDSON asked if this affects property annexation. He said he was concerned about some unintended consequences of eliminating this policy.

DIRECTOR MILLER said he would defer to Scott Knebel but added they don't do unilateral annexations any more. He said the City does annexations when they are requested.

SCOTT KNEBEL, Planning Staff said for the past 7-8 years most of the annexations have been tied to platting and extension of utilities. He said this may impact the timing of annexations.

RICHARDSON commented then the leverage was utilities. If areas want to be annexed they have to be platted.

KNEBEL commented it's more of a carrot and added that the City extends water and utilities past its boundaries but not at the same rate that it does within the city limits.

CHRIS BOHM, RUGGLES AND BOHM, 924 N. MAIN said it was his personal and professional opinion that a lot of developers deal with this issue. He mentioned a plat and zone change at Pawnee and 119th Street that happened about 10-12 years ago. He said some family members came into some property and wanted to do a zone change to protect the asset. He said it was over 6 acres so they had to do a CUP so they went through the whole process of rezoning and platting and now the flood maps and right-of-way requirements have changed since that time. He said all the work that was done could be for naught. He said if the property had been zoned and sat there idle, all the current Subdivision Regulations and Floodplain Maps would come into play. He said he thinks it is a really good idea and from what he is hearing, it doesn't preclude the Planning Commission from making restrictions on the ground or asking for rights-of-way. He said it will make it easier especially for someone who wants to hold ground for future use or pass it on in a family and have the assurance from the zoning maps that it is zoned a certain way. He concluded by stating that he supported the effort to eliminate the platting requirement unless it is stipulated for some reason at time of zoning.

MCKAY clarified that the City is not doing away with the platting requirement, just the time element of platting.

BOHM responded that was correct.

WES GALYON, PRESIDENT, WICHITA AREA BUILDERS ASSOCIATION, 730 N. MAIN said he was in complete agreement with what Mr. Bohm just said. He said he has had conversations with the City Manager's Office and others to see what the City can do to make itself more competitive and to look more willing to be open to suggestions or proposals to certain developments that might be suitable for Wichita. He said once a property is zoned, it is not perfected until it is platted so it does not show up on the zoning map. He said site locators look at the zoning maps and if they don't see anything they just go on down the road; or, if platting is forced to occur when a developer really doesn't know what they are going to do with that piece of property, it is difficult. He mentioned that dynamics of the market today are a whole lot different than they were a decade ago and they are going to stay different for a long time to come for a variety of reasons. He said it would be nice to have the land zoned with the bundle of rights that went with zoning. He said they don't see any problems and feel it would present Wichita in a more positive light in terms of what is available and ease of access to information and the certainty of the accuracy of the information. He said this would also eliminate the potential for mistakes and misrepresentations. He said this is a real positive going forward. He said in terms of street improvements, he said most people who own property are willing to give right-of-way if it improves access to their property because it improves usability and desirability of their property. He said on behalf of the development community, developers, consultants and private property owners he has talked to they think this is a step in the right direction for Wichita.

TODD commented that this strikes him as regulatory flexibility that is needed. He asked Mr. Galyon to expand on his remarks about regulatory certainty.

GALYON said he agreed absolutely. He said particularly since the recession, there has been talk on how to create more predictability and certainty for property and what can be done with it. He said this is definitely a step in the right direction.

TIM AUSTIN, KAW VALLEY ENGINEERING, 200 N. EMPORIA said he would like to echo everyone's comments. He said this is consistent with State Statutes and mentioned that there was no requirement in the State Statutes to tie zoning to subdivision requirements. He said doing work around the State no other jurisdictions have this platting requirement, it is unique to Wichita. He commented back in 1958 when the City and County zoned the quarter sections it served the community very well through a period of growth. He said this will give developers greater flexibility moving forward. He said he appreciates staff's work on this.

WARREN clarified that if a property owner wanted to change back to the original zoning, it would still require a public hearing.

DIRECTOR MILLER said you can't change zoning without the public hearing process.

WARREN said he sees this as a real positive for people moving into the area.

MOTION: To approve subject to staff recommendation that Policy No. 5 be eliminated.

JOHNSON moved, **TODD** seconded the motion, and it carried (11-0).

The Metropolitan Area Planning Commission adjourned at 3:10 p.m.

State of Kansas)
Sedgwick County) ^{ss}

I, W. Dale Miller, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2016.

Dale Miller, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)